



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

560 – PROPERTY

GENERAL ORDER: 2014-95
ISSUED: July 30, 2014

EFFECTIVE: July 30, 2014

REVIEW/APPROVED BY:

Captain Regina Howard

DATE: July 17, 2014

ACTION: Amends General Order 2012-18 (May 16, 2012)

WILEAG STANDARD(S): 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.1.7, 11.1.8, 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.5, 11.2.6

560.00 PURPOSE

The purpose of this standard operating procedure is to provide members with instructions on the proper handling, storage, control, and disposition of all items lawfully seized and placed on inventory by the Milwaukee Police Department.

560.05 PROPERTY CONTROL (WILEAG 11.1.1, 11.2.3)

The Property Control warehouse is located at 2620 W. Wisconsin Ave. and shall be accessible for normal department business and to the public, Monday through Friday from 7:00 a.m. – 6:00 p.m. Department members requiring access to Property Control services outside the normal hours shall call the Property Control warehouse at **REDACTED**. Property Control is available to department members 24 hours a day, 7 days a week.

560.10 PROPERTY CLASSIFICATIONS (WILEAG 11.2.1)

A. EVIDENCE

1. Any item that may assist in establishing that a crime occurred, in the identification of a suspect, and/or the prosecution of an alleged suspect.
2. Items inventoried as evidence shall have an IR number, homicide number, citation number, court case number, or a *Department Memorandum* (form PM-9E) attached. (WILEAG 11.2.1.3, 11.2.1.4)

B. CONTRABAND

1. Any item, object, liquid or substance, that is unlawful to possess, such as fireworks, illegal narcotics, child pornography, switchblade knife, sawed-off shotgun, counterfeit money etc. and is not required as evidence.
2. Property that is not unlawful to possess (e.g., money) cannot be confiscated as contraband.

C. SAFEKEEPING

Any item that was taken for protection from loss, theft, misuse, damage or due to the owner's incapacity and there was no other means to safeguard the property.

Department members shall make every effort to locate the owner of safekeeping property and return the property to them in a reasonable time.
(WILEAG 11.2.1.6)

560.15 MEMBER'S RESPONSIBILITIES (WILEAG 11.1.2, 11.1.5, 11.2.1, 11.2.2)

- A. Department members shall retain and safeguard all property coming into the possession of the department in accordance with this standard operating procedure.
- B. All property coming into the possession of any member of the department, including property temporarily retained by officers assigned to PAB municipal court security for persons entering the Police Administration Building, and here otherwise noted in this procedure, shall be immediately inventoried on a PP-32. Each item of value shall be itemized. This task shall be done prior to securing from duty.
(WILEAG 11.2.1.1, 11.2.1.2, 11.2.1.3)
- C. The PP-32 shall be generated by entering the inventoried property into the "Ace-Officer Drop" system. Once the Ace-Officer Drop submission has been completed, it shall be approved by a supervisor. After supervisory approval, two copies of the PP-32 will automatically be generated. A copy of the "Case Disposition" form (formerly the mint green copy) will also be generated, if the property is evidence.
- D. In the event of an Ace-Officer Drop computer problem, work locations are permitted to inventory property on the paper PP-32 version. However, Property Control must first be notified and grant authorization before the paper inventory form is utilized.
- E. Upon completion and approval of the *Property Inventory Report*, the property shall be stored in a department approved property storage locker.
- F. When a prisoner's property cannot be immediately transferred to the location of their confinement (e.g., the prisoner goes to the hospital), that property shall be placed on a PP-32 and processed accordingly.
- G. Seizure of property is limited to contraband, instrumentalities of a crime, fruits of a crime, or evidence of a crime. Unless there is reasonable suspicion to the contrary, police members shall not confiscate property merely because the possessor cannot provide proof of ownership.
 - 1. Per Wis. Stat. § 968.18 any member seizing property without a search warrant shall issue a properly completed *Property Receipt* (form PP-33), as soon as practicable to the person from whom the property was taken. The original PP-33 shall be attached to the original PP-32 (*Inventory Report*).
 - 2. If the officer determines that the individual from whom the property was recovered is not the rightful owner, then the rightful owner shall be listed. If the rightful owner is unknown, then the claimant shall be listed as "unknown".
- H. Personal property, including money, is subject to seizure and forfeiture under Wis. Stat. § 973.075, or if a crime under the Uniform Controlled Substances Act under Wis. Stat. §

961.55/06. Personal property may be seized under these statutes for circumstances where the seizure is incident to a lawful arrest; pursuant to a search warrant; or if an officer has probable cause to believe the property is either directly or indirectly derived from the commission of a crime.

1. Any investigating member, except HIDTA personnel, must first obtain a supervisor's authorization prior to seizing money or a cell phone regarding any type of illegal narcotic related offense. The supervisor authorizing the seizure of the property must be listed in the circumstances field of the property inventory.
(WILEAG 11.1.6.1)

- a. This section does not apply to "buy money" or if the seized items meet the requirements as outlined in training bulletin 2010-1.

Note: Department SOP 765 on Asset Forfeiture and training bulletin 2010-1 provides additional details on seizing money, cell phones and other property).
(WILEAG 11.2.1.5).

- I. Any inventoried item(s) that need to be analyzed by the High Technology Unit, the Forensics Section, placed in the drying room or will be examined by another work location prior to being received by Property Control shall be placed on a separate inventory (except Metropolitan Investigations Division).
(WILEAG 11.2.1.5)
 1. The electronic inventory original shall be stamped "original" and remain at the member's work location. The original inventory will be retrieved by Property Control during the morning property pick-ups.
 2. The electronic inventory copy shall be stamped "copy" and shall accompany the property.
 3. Both the original and copy shall be stamped indicating the date, time and person who conveyed the item(s) to the analyzed location.
(WILEAG 11.1.6.1, 11.1.6.2)
- J. Any property transferred to another location prior to being received by Property Control shall be documented on the PP-32 or a PP-32A.
(WILEAG 11.1.8.4)
- K. All packaged evidence must be properly secured by heat sealing or red evidence tape.
(WILEAG 11.2.1.4)
- L. Department members must mark their initials on the edge of the red evidence tape with an indelible pen in a manner that will show evidence of tampering. The inscription of initials should be placed in a manner where half of the inscription is on the red evidence tape, while the other half is on the evidence packaging. If evidence is heat sealed, department members shall place their initials across the heat seal with an indelible pen, in a manner that will show evidence of tampering. Information such as

inventory number / item number should be written on the packaging itself.
(WILEAG 11.2.1.4)

- M. All DNA biological evidence envelopes (MPD form PE-34) must be packaged in either an envelope or paper bag and secured on both ends with red evidence tape.
(WILEAG 11.1.5.1, 11.1.5.2)
- N. Any inventoried item that is not evidence shall not be sealed with red evidence tape. Those items can be labeled with a tag or placed in an appropriate container and sealed by alternate means (e.g., zip locking, stapling, heat sealing).

560.20 ROUTING OF PROPERTY INVENTORY REPORT (WILEAG 11.1.2, 11.2.4, 11.2.6)

A. ELECTRONICALLY GENERATED PROPERTY INVENTORY REPORT (PP-32)

1. The copies of the *Property Inventory Report* (form PP-32) are electronically generated and disbursed to Property Control by the work location whenever an inventory is completed using the WinAce inventory system.
2. The "Case Disposition" form of the PP-32 shall accompany other related paperwork in all state cases involving a summary arrest, an arrest warrant request or order-in. The department member shall properly complete the form and forward the form via fax or interdepartmental mail to Property Control.

B. WRITTEN PROPERTY INVENTORY REPORT (PP-32)

1. The white and pink copies of the *Property Inventory Report* (form PP-32) shall be forwarded to Property Control by the disbursing work location and the yellow copy shall be retained by the work location as the permanent record.
2. The mint green copy of the PP-32 shall accompany other related paperwork for state cases involving a summary arrest, an arrest warrant request or an order-in. Department members shall properly complete the form and return the form to Property Control. If there is no review, the mint green copy shall remain attached to the white and pink copies.
3. *Property Inventory Supplements* (form PP-32S) shall be attached to the original PP-32.
4. At no time shall a PP-32 be destroyed. If an error is made in the preparation of a PP-32, all four copies of the report shall be marked "VOID." The white and pink copies of the voided PP-32 shall be initialed by the work location's commanding officer/designee and disbursed to Property Control. The yellow and green copies shall be filed at the originating work location.
5. No member of the department shall remove property from another work location property evidence locker without first obtaining permission from both the work location shift commander and the Property Control commander or supervisor designee.

- a. This section does not apply to members of Property Control who are picking up property as part of the daily property pick-up.

C. AUDITS

1. Property Control shall conduct a monthly audit of all paper PP-32 forms disbursed to work locations. A copy of this report listing inventories either missing or unaccounted for shall be sent to the respective work location commanders.
2. Within fifteen days of receiving the monthly audit, district and division commanders shall report in writing, the circumstances causing the PP-32 forms to be unaccounted for or missing. This report shall be submitted to their respective inspector or assistant chief.
(WILEAG 11.2.6.1)
3. The commander of Property Control shall conduct semi-annual inspections to assess the department compliance with property and evidence control procedures.
(WILEAG 11.2.6.1)
4. An audit of Property Control shall be conducted whenever the commanding officer of Property Control is replaced due to transfer, promotion, retirement or separation from the department. The audit shall be conducted jointly by the new commanding officer of Property Control and a representative of the Chief of Police or designee.
(WILEAG 11.2.6.2)

560.25 PROPERTY DISBURSEMENTS (WILEAG 11.2.5)

A. DISBURSEMENTS

1. Property disbursements shall be made to the Property Control who shall pick up these disbursements on weekdays from each district station. All disbursements shall be ready, Monday through Friday for pick-up by 6:00 a.m. If property will be picked up on weekends, holidays, or earlier than 6:00 a.m., Property Control shall telephone the districts to make special arrangements.
2. Prior to the arrival of Property Control personnel, each district shall prepare the Ace-Officer Drop submissions for pick-up as follows:
 - a. The original PP-32 along with the inventoried property and any other original reports if applicable, such as gun or Property Receipt, etc.
 - b. A stamped original PP-32, or the original PP-32A, listing property turned over to another location for analysis during the previous 24-hour period, following the previous daily disbursement.
 - c. If property is released to an owner/claimant, a copy of the PP-32 listing the property that has been returned to the owner/claimant, a *Property Receipt* (form PP-33) signed by the person (owner) receiving the property, a photocopy of the citizen's identification card, and a PO-5, if required, shall be faxed to Property

Control.

- d. All original paperwork concerning property given back to the owner/claimant shall be forwarded to Property Control.
3. Property Control shall verify each disbursement with a representative from the work location. Once verified, both the Property Control officer and the work location representative shall sign the property disbursement sheet. Any discrepancies shall be noted and the property will remain at the work location until corrected. A copy of the disbursement shall be given to the work location and the original shall be retained by Property Control.

560.30 PROPERTY REQUIRED FOR COURT (WILEAG 11.1.2, 11.1.8, 11.2.1)

A. REQUESTING/OBTAINING PROPERTY FOR COURT

1. An *Order for Property* (form PO-5) is required for the transfer of evidence required for presentation in court. The court case number shall be listed on the PO-5.
(WILEAG 11.2.1.7)
2. A commanding officer/designee or Property Control supervisor may authorize the release of property to a department member for court presentations.
3. Prior to making a request for evidence held at Property Control, members with a court subpoena shall confirm with the assistant DA or city attorney that the case will be heard and the evidence is required.
[REDACTED]
[REDACTED]
4. Available officers/detectives shall in a timely manner after receiving notification that property is required for court, respond to Property Control to pick up property.
5. Property signed out for court presentation, but not entered as an exhibit or evidence shall be returned to Property Control the same day, even if the property is needed the next day for court.
6. Any member that signs property out of Property Control is ultimately responsible for the return or disposition of the property. If property is turned over to another person, the receiving person must sign for the items on the *Property Withdrawal Receipt*. The signed *Property Withdrawal Receipt* shall be returned to Property Control by the member who originally signed for the property. The custody/responsibility for the property will then be transferred to the newly responsible individual.
(WILEAG 11.1.8.4, 11.2.1.7)

B. RETENTION OF PROPERTY BY THE COURTS

1. Wisconsin Supreme Court Rule 92.07(46) mandates that upon the completion of a trial, all criminal case exhibits shall be retained in the custody of the court. The Clerk of Circuit Court is responsible for taking custody and retaining these exhibits during,

and after the trial, regardless of the outcome of the case. The court may not order an exhibit withdrawn for the sole purpose of returning it to our department for storage.

2. When the court retains inventoried items, the *Property Withdrawal Receipt* shall be initialed and signed by the court clerk or bailiff. The person accepting these items on behalf of the court shall initial next to each item of property retained on the right hand margin of the *Property Withdrawal Receipt*. This receipt shall also contain the legible name and title of the person accepting the evidence for the court, and the court branch or room number.
3. No receipt is required for items retained by the court that are not on a *Property Inventory Report*. These items include, but are not limited to, photo enlargements, report enlargements and crime scene diagrams.
4. If the court declines or refuses to accept custody of an exhibit, the department member shall take custody of the property and shall immediately return it to Property Control, who shall issue a receipt to the member returning the item(s).
5. In the event a receipt cannot be obtained for evidence retained by the court, or the court refuses to sign for the property, the member responsible for the property shall immediately notify a Property Control supervisor of the circumstances surrounding the refusal, as well as the name and title of the person refusing such receipt. This may include the presiding judge.
(WILEAG 11.2.1.7)

560.35 SUBMISSION OF EVIDENCE TO FORENSICS, HIGH TECHNOLOGY OR DRYING ROOM (WILEAG 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.2.4)

- A. Inventoried property that is transferred to the Forensics Section, High Technology Unit, or the drying room prior to being received by Property Control shall be handled in the following manner:
 1. Any department member transferring property to the Forensics Section or High Technology Unit shall stamp the original completed electronic PP-32 with the transfer stamp.
 2. The original paperwork will stay at the member's work location and a stamped copy will accompany the evidence.
 3. The member receiving the evidence at either the Forensics Section or High Technology Unit shall complete the stamped paperwork.
 4. The department member from the receiving unit shall enter the received property into Property Control's SharePoint property log.
 5. The analyzing/responsible member shall enter their information into Property Control's SharePoint property log website.
- B. The Forensics Section or the High Technology Unit shall process the evidence and

upon completion, shall store the evidence in a secure space.

- C. Items placed in the drying room require a completed and stamped PP- 32. A copy of the paperwork shall remain in the drying room. The original paperwork shall remain at the member's work location, noting the date, time and person placing property in the drying room.
 - 1. Whenever an item is placed in the drying room, the member placing the item into the drying room shall notify a member from the Central Investigations Division, who shall enter the property into Property Control's SharePoint property log website.
- D. When the property is no longer required to remain in the drying room, the property shall be conveyed to the Property Control annex by the member that placed the item on inventory.
(WILEAG 11.1.6.1, 11.1.6.2)

560.40 DNA / BIOLOGICAL MATERIAL (WILEAG 11.1.2, 11.2.1, 11.1.5)

- A. Any hair, tissue, or bodily fluid of evidentiary value shall be considered biological material (DNA) evidence. It shall be the responsibility of the member completing the PP- 32 to flag items of evidence taken with the specific intent for DNA analysis, or those containing obvious/apparent biological material.
(WILEAG 11.1.5.1)
- B. An item taken for DNA analysis that does not require refrigeration or contain obvious/apparent biological material shall be packaged and sealed separately in paper bags or envelopes. Plastic shall not be used.
(WILEAG 11.1.5.2)
- C. Multiple, individually packaged and sealed evidence items may be placed together in a large container as long as the large container is not sealed as evidence. Property Control must be able to open the large container to access the individually sealed items.
(WILEAG 11.1.5.2)
- D. Firearms inventoried with the intent of being tested for DNA must be protected from cross contamination by being placed inside an appropriately sized paper bag or box that shall not be sealed.
- E. If the substance is believed to be poisoned or to have become poisonous because of improper storage or care, it shall be inventoried in its original container. Property Control shall be immediately notified of these conditions in order to take the necessary precautions.
(WILEAG 11.2.1.5)

560.45 REQUESTS FOR LABORATORY ANALYSIS (WILEAG 11.1.2, 11.1.5, 11.1.7, 11.1.8)

- A. A letter of transmittal is required whenever a member of the department submits evidence to the Wisconsin Regional Crime Lab for analysis that shall include the name and contact information of the person submitting the evidence.

(WILEAG 11.1.8.1, 11.1.8.5)

1. The requesting member shall forward the letter of transmittal to the Investigative Management Division who shall record the request.
(WILEAG 11.1.8.3)

2. The Investigative Management Division shall forward the request to Property Control who shall convey the item/s to the Wisconsin State Crime Lab.

a. Items submitted to the Wisconsin Regional Crime Lab for analysis shall be properly sealed, including firearms. Firearms shall be heat-sealed in plastic. However, if a firearm needs any type of DNA testing done, then the firearm shall be sealed in either a clean paper bag or box.
(WILEAG 11.1.5.3, 11.1.8.2)

3. After the Wisconsin State Crime Lab has completed their analysis, Property Control shall convey the property back to Property Control for storage.

4. Property Control shall forward the crime lab report to the Investigative Management Division for cataloging. The Investigative Management Division shall forward the report to the member that submitted the letter of transmittal.
(WILEAG 11.1.8.3)

B. When inventoried items are transported to a laboratory for analysis, a completed *Order for Property* (form PO-5) is required for the release of the item(s). The member transporting the evidence or contraband shall obtain a signed receipt from the laboratory receiving the evidence and return the receipt immediately to Property Control.

C. Evidence or contraband sent to an outside laboratory for analysis shall be authorized by the Chief of Police or designee. The HIDTA commander may authorize the examination of evidence regarding felony narcotics investigations.

D. Only a Property Control courier shall retrieve property from the Wisconsin Regional Crime Lab after the lab has accepted it; unless authorized by a Property Control supervisor.
(WILEAG 11.1.8.4)

560.50 DISPOSITION ORDERS (WILEAG 11.2.1)

A. On a regular basis, Property Control will evaluate and disperse a *Disposition Order* (form P-39) for property that a department member has placed on inventory. Members shall return the completed form to his/her shift commander within five (5) days after receiving it. The commanding officer/designee is responsible for returning the completed *Disposition Order(s)* to the Property Control commanding officer within two (2) weeks from the date sent.

B. Commanding officers or designee are responsible for approving all *Disposition Orders* for members under their command.

- C. No supervisor shall sign off on the supervisor approval line on their own disposition order.
- D. When evaluating the need to retain evidence, members shall check Circuit Court Automation Program (CCAP), the Municipal Court Case Information System, Tiburon or Case Track. These sources shall be referred to for all suspects and defendants, not victims. The status of the case shall be documented on the front of the *Disposition Order*, or attached to the *Disposition Order*.
(WILEAG 11.2.1.3)
1. If property is to be disposed of or returned due to the case being no-processed, suspect determined to not be involved in the crime, investigation determined no crime was committed, etc., then that information must also be documented on the front of the *Disposition Order*. Wis. Stat. § 939.74 states that the statute of limitations for a felony is 6 years after the commission of a crime and for a misdemeanor it is 3 years.
- E. In those cases where property can be disposed of, Property Control shall determine if the inventoried property should be returned to the owner. If such determination is made, Property Control shall notify the owner via U.S. Mail. If an owner is listed on the *Disposition Order* and no pending forfeiture court action is listed in CCAP, the Property Control supervisor/designee shall return the listed property back to the listed owner, claimant or prisoner. There must be legal justification for not returning property to an owner/claimant or prisoner that the inventorying officer must substantiate.
- F. If the listed member is no longer a member of the department, commanding officers or their designee shall note that on the *Disposition Order* and determine if another member has knowledge regarding the evidence related to completing the *Disposition Order*. In the absence of another member with the necessary knowledge, commanding officers, their supervisor designees, or the commanding officer of Property Control shall make a determination as to the disposition of the property.
- G. If evidence need to be retained longer than the required appeal time or retention period, it is the responsibility of the listed officer to notify Property Control that the evidence is required needs to be retained.
- H. The final authorization to dispose of inventoried evidence shall remain with the Property Control commander or designee. Consideration for disposal shall include expiration of the statute of limitations, the conviction of all persons responsible, the court case(s) are completed and that the appropriate appeal or retention time has been reached.

560.60 RETENTION OF PROPERTY SCHEDULE (WILEAG 11.1.2, 11.2.1)

A. STATUS CHANGE

The responsible member listed on the *Property Inventory Report* shall immediately advise Property Control of any changes in the status of property placed on inventory (e.g., responsible officer, court case numbers, warrant numbers, change in the category of property, evidence, safekeeping, if the property is still needed for

prosecution, owner being identified.

B. SAFEKEEPING

1. Property inventoried as safekeeping is eligible for disposal after thirty (30) days.
 - a. Property claimed by a finder with no known owner will be held for six (6) months. Property with a known owner will be held for twelve (12) months before being released to the finder.
2. Unclaimed firearms and ammunition is eligible for disposal after twelve (12) months.
3. Dangerous materials, flammables, hazardous substances and devices will be disposed of immediately if their storage creates an undue hazard.
(WILEAG 11.2.1.5)

C. CONTRABAND

All property inventoried as contraband with the exception of firearms is eligible for disposal after thirty (30) days, as authorized by city ordinance 105-122. To wit, "If property other than firearms or ammunition is seized by the chief of police and is not requested for evidence or investigation, and such property poses a danger to life or property in its storage, transportation or use or constitutes contraband, the chief of police may safely dispose of such property by any lawful means." Firearms are eligible for disposal after twelve (12) months.

D. NON-FELONY EVIDENCE (INCLUDES MISDEMEANORS AND MUNICIPAL OFFENSES)

1. The responsible department member shall receive yearly *Disposition Orders* to verify a "hold" status of the evidence.
2. The maximum retention period is three (3) years from the date of the offense for misdemeanor cases in which no suspect has been identified, or in which a suspect has been identified and a warrant has not been issued.
3. Evidence may be disposed of seven (7) months following the date of sentencing in misdemeanor cases if no appeal has been filed.
4. For municipal court cases, the retention period shall be seven (7) months from the date of conviction.
5. Photographing evidence is an alternative to retaining evidence; however, the work location shift commander shall approve this alternative.

E. FELONY EVIDENCE (EXCEPT HOMICIDE, SEXUAL ASSAULT, AND BIOLOGICAL DNA)

1. The responsible department member shall receive yearly *Disposition Orders* to

verify a “hold” status of evidence.

2. The maximum retention period is six (6) years from the date of the offense in felony cases, in which no suspect has been identified, or in cases in which a suspect has been identified, but a warrant has not been issued.

Note: Sexual assault offenses and homicides do not fall under the six (6) years retention period and are the exceptions.

3. Felony cases in which a suspect has been identified and a warrant has been issued, the evidence shall be retained until the warrant has been served and the case processed through the criminal justice system. Where a suspect has been charged and convicted, the evidence may be disposed of one (1) year following the date of sentencing if no appeal has been filed.
4. Time limitations on prosecutions (Wis. Stat. § 939.74) shall be taken into consideration in the disposal of evidence.

F. HOMICIDE AND SEXUAL ASSAULT EVIDENCE

All uncleared homicide and sexual assault evidence shall be retained indefinitely, where there is no statute of limitations. If the case is cleared by an arrest and the defendant(s) was sentenced, the evidence shall be retained until the defendant(s) is completely cleared of the criminal justice system or, has served his/her complete sentence, including probation, parole, or extended supervision.
(WILEAG 11.2.1.5)

G. DNA / BIOLOGICAL MATERIAL EVIDENCE

As mandated by Wis. Stat. § 968.205, evidence containing biological material collected in connection with an investigation that results in a criminal conviction, delinquency adjudication, or an equivalent commitment for mental defect, shall be retained until every convicted person has completed their entire sentence, including probation, parole or extended supervision.

H. SUICIDE EVIDENCE

Suicide evidence shall be retained for a period of one (1) year after the medical examiner's report ruling that the death was, in fact, a suicide. Work location commanders or supervisor designee shall authorize the release or destruction of said evidence.

I. OTHER DEATHS

Evidence related to deaths that are not from natural causes shall be retained for a minimum of three (3) years. The responsible district / investigations division-commander or designee shall authorize the release or destruction of said evidence.

J. PROPERTY OF A DECEASED PERSON

A request for the release of a deceased person's property shall be referred to the responsible district / investigations division commander or designee for investigation and possible release of property.

K. EMERGENCY DETENTIONS

Property taken for safekeeping (not evidence of a crime) to support an emergency detention shall be held up to thirty (30) days and then returned to the rightful owner / claimant or disposed of according to city ordinance and state statute.

L. OFFICER INVOLVED CRITICAL INCIDENTS

Officer involved critical incident evidence shall be retained for seven (7) years from the date of offense, for civil litigation purposes, unless otherwise authorized by either the city attorney's office or by Internal Affairs Division Civil Investigations Section.

560.65 RELEASE OF PROPERTY (WILEAG 11.1.7, 11.2.1, 11.2.4)**A. ORDER FOR PROPERTY (FORM PO-5)**

1. No original or copy of a PO-5 shall be given to a citizen. The member releasing the property shall call Property Control and inform them of the property release if a citizen is to receive property requiring a PO-5. A copy of the PO-5 shall be faxed to Property Control **REDACTED**. The original PO-5 shall be mailed via interdepartmental mail to Property Control.
 - a. Members shall make arrangements with Property Control for property viewing by attorneys or citizens, **REDACTED**
 - b. Property viewings, should generally take place Monday through Friday at the Property Control warehouse. A Property Control supervisor shall authorize the viewing of the property. An investigating detective or officer shall be present during the entire viewing.
2. A PO-5 is required under the following situations:
 - a. Releasing any evidence to an owner / claimant.
 - b. Releasing safekeeping property initially inventoried without a claimant listed.
 - c. The release of any non-disposable property from Property Control to a department member for any reason, including a viewing.
 - d. Releasing inventoried property to any non-MPD law enforcement officer.
3. A PO-5 is not required under the following situations:

- a. When property is listed as safekeeping and ownership is listed on the *Property Inventory Report*.
 - b. When a completed *Disposition Order* with proper authorization permits the release or disposal of property held as evidence.
 - c. When property is directed to be returned by court order.
4. A PO-5 must clearly indicate the purpose of the release in the space provided and contain the legible signature of the commanding officer. Supervisory officers are not permitted to sign a PO-5 releasing inventoried property to themselves.
 5. A valid government issued photo identification is required for the release of any property to its rightful owner or third party. The identification shall be photocopied. The property recipient shall sign a *Property Receipt* or PP-33 to acknowledge receiving the property. If the recipient refused to sign the receipt, the member shall write "refused" on the receipt. If the property release occurs at a work location other than Property Control, the releasing member shall first notify Property Control by phone x7547. A copy of all related paperwork shall then be faxed to Property Control. The original paperwork shall be sent via inter departmental mail to Property Control.
 6. A third party with a valid government issued photo identification may pick up releasable property on behalf of a claimant, if the third party presents a notarized letter signed by the claimant that requests the department to release specific property to the named third party.
 7. If there is any dispute as to the lawful owner or claimant, the property shall be held by the department until the court designates the proper person to receive such property.
 8. No member of the department is authorized to seek the release of police inventoried property without the approval of his/her commanding officer or designee.
(WILEAG 11.2.1.5)

B. SAFEKEEPING/FOUND PROPERTY

1. When property is found and delivered to a member of the department, the member shall complete a *Property Receipt* (form PP-33) and provide it to the finder. All such property with a finder shall be retained at Property Control for six (6) months if the owner is unknown or for a period of one (1) year if the owner is known. If the owner does not come forward to claim their property, Property Control or the respective district or division shall notify the finder of his/her right to claim the property by completing a *Property Release Letter* (form PP-47) and mailing it to the finder.
2. Department members shall attempt to determine ownership prior to inventorying property.
(WILEAG 11.2.1.6)

3. Property Control shall retain the property if ownership is undetermined until resolved by the courts or the property is deemed disposable.
4. If property ownership is determined by the investigating officer after the property has been inventoried and is going to be released to the owner, the member shall secure a signed *Order for Property* (form PO-5) from his/her shift commander.
 - a. The *Order for Property* (form PO-5) shall be routed as previously outlined.

C. EVIDENCE – NARCOTICS RELATED CASES

A commanding officer or a supervisor designee shall review and authorize the release or destruction of the following:

1. Property dispositions related to controlled substances, prostitution, gambling investigations, and/or other investigations, which are no longer required as evidence may be returned to the rightful owner; provided ownership of said property is not disputed and the property is not considered contraband.
2. Any supervisor may release from Property Control controlled substance evidence that is required for a grand jury, John Doe proceeding, or for any other lawful purpose. However, if the purpose for the release is for an investigation, the reason shall be clearly stated on the *Order for Property* (form PO-5).
(WILEAG 11.2.1.5)

D. EVIDENCE – IN GENERAL

1. Work location commanders, their supervisor designee, or Property Control supervisors may release all evidence which is not related to a homicide or sexual assault investigation handled by the Specialized Investigations Bureau. Any items that are related to a homicide or sexual assault being investigated by the Specialized Investigations Bureau must be released by that respective location's commanding officer or supervisor designee.
2. Property Control supervisors may authorize the transfer of any evidence to members for presentation in court or for purposes of further investigation.
3. Work location commanders, their supervisor designees or Property Control supervisors shall review and authorize the release/destruction of evidence on all *Disposition Orders* (including those relating to controlled substances, gambling, and prostitution), except for felony investigations handled by any of the investigations divisions.
4. Work location commanders, their supervisor designee, or Property Control supervisors shall review and authorize the release/destruction of evidence on all sexual assault investigations and sexual assault related *Disposition Orders*, except for incidents investigated by the Sensitive Crimes Division.

E. RELEASE OF FIREARMS

1. Firearms on inventory may be released for return to a lawful owner/claimant who is not prohibited by federal or state law from possessing a firearm. Only the inspector of the Specialized Investigations Bureau or his/her supervisor designee may authorize the release of firearms.
2. All REDACTED REDACTED about such a release shall be advised to call the Firearms Desk (935-7779), Monday through Friday, between the hours of 8:00 a.m. and 3:30 p.m.
3. Firearms recovered and inventoried by department members which have been reported stolen by another law enforcement agency shall be returned to the reporting agency upon the completion of an investigation and / or court proceedings.
4. All persons receiving a firearm shall have a valid government issued identification card (that will be photographed), and an appropriate case for transportation of the firearm, and shall sign a *Property Receipt*. No third party releases are permitted for the release of firearms unless authorized by the Chief of Police or his designee.
(WILEAG 11.2.1.5)

560.70 ALCOHOL / ALCOHOL CONTAINERS

- A. Alcohol and alcohol containers held for city and/or state charges shall be retained at Property Control according to the normal evidence retention schedule.
- B. Do not seize coolers, beer kegs, tappers, CO2 tanks, hoses, etc. as there is no law prohibiting citizens from possessing these items unless they are taken as evidence.

560.75 ANIMALS

- A. When an animal is taken to a district station by a department member or brought into a district station by a citizen, an *Inventory Report* shall be completed in accordance with SOP 560 Property.
 1. An *Inventory Report* (form PP-32) is not required if an animal is taken directly to Milwaukee Area Domestic Animal Control Commission (MADACC) from the retrieval location.
- B. Dead animals shall be picked up by the Sanitation Department REDACTED REDACTED In cases of vehicle-killed deer, see SOP 060 Animals.
- C. In the event that the animal is considered evidence in a case, a photograph shall be taken before a final disposition is made.

560.80 BICYCLES, MOPEDS, AND MINI-BIKES

District stations shall maintain and process safekeeping bicycles, mopeds and mini-bikes with an engine size of 50cc or less in the following manner:

- A. All safekeeping bicycles shall be checked in NCIC for stolen/wanted status and checked for current registration in the city computer. A printout of the check shall be attached to the *Property Inventory Report*. A copy of the inventory shall be maintained at the district station and all original paperwork shall be forwarded to Property Control.
- B. Safekeeping bicycles, mopeds, and mini-bikes will be retained for thirty (30) days if ownership cannot be established. Property Control shall mail a claim letter to the owner. The bicycle, moped, or mini-bike shall be retained for thirty (30) days from the date of the *Property Release Letter* being mailed.
- C. Bicycles, mopeds, and mini bikes with 'finders' denoted on the PP-32 shall be retained for six (6) months at which time a *Property Release Letter* (form PP-47) will be mailed to the finder. A copy of the letter must be attached to the inventory. The bicycle shall be retained at the district station for thirty (30) days from the date of the letter being mailed.
- D. Bicycles shall only be inventoried as evidence when essential to the prosecution of a crime. When practical, bicycles should be processed, photographed and inventoried as safekeeping. If a bicycle is needed as evidence, it shall be checked in NCIC for stolen/wanted status and the city computer for current registration. A printout of the check shall be attached to the *Property Inventory Report*.
- E. Prior to initiating the disposal process on an inventoried bicycle, moped or mini-bike NCIC shall be checked a second time by the designated Property Control bicycle officer for stolen/wanted status.
- F. All safekeeping bicycles, mopeds, and mini-bikes or parts thereof not returned to the lawful owner or claimant shall be maintained at each district station until picked up by Property Control.
- G. Property Control will dispose of all unclaimed bicycles not picked up by the owner, claimant or finder.
- H. District commanders that wish to donate a bicycle shall file a *Department Memorandum* to their respective assistant chief specifying the number of bicycle(s) needed and detail who will be receiving the bicycle(s). The Property Control commander will then provide the district commander with the number of bicycles requested.
- I. Property Control will dispose of all unclaimed bicycles not picked up by the owner, claimant or finder.
- J. Disposal of bicycles shall be done expeditiously and in accordance with city ordinance 102-11-6-7.
- K. Bicycle disposal generated revenue will be deposited in the Milwaukee Police Department's Bicycle Equipment Special Purpose Fund in accordance with city ordinance 304-25-5.
- L. A continuous supply of bicycles will be provided by Property Control to the Bicycle

Gifting Program for the Chief of Police and the district commanders.

- M. District commanders that wish to donate a bicycle shall file a *Department Memorandum* to their respective assistant chief specifying the number of bicycle(s) needed and detail who will be receiving the bicycle(s). The Property Control commander will then provide the district commander with the number of bicycles requested.

560.85 BICYCLE GIFTING (WILEAG 11.2.5)

- A. Any non-profit organization making a request for abandoned or unclaimed bicycle(s) shall submit their request through the Chief of Police or his or her designee, specifically the district commander.
- B. The non-profit agency is required to complete the Milwaukee Police Department *Gifting of Bicycles* form and the city of Milwaukee *Receipt of Donation* form and submit the forms to the district commander for review/approval. The forms can be found on the Property Control Intranet page.
- C. Upon a district commander's approval, the forms shall be forwarded to the respective assistant chief or designee for approval.
- D. Upon approval by the assistant chief or designee, the forms shall be electronically forwarded to the Property Control commanding officer or designee.
- E. The Property Control commanding officer or supervisor designee shall determine the non-profit's qualification for the donation and the availability of the type and number of bicycles requested.
- F. Property Control shall submit the approved gifting forms **REDACTED** retain a copy at Property Control.
- G. Upon receipt of approval by the Department of Administration, the Property Control supervisor will make notification to the district commander for coordination and dissemination.
- H. Property Control shall maintain records of gifted bicycles disseminated to district stations.
- I. Property Control maintains authority over the dissemination of gifted bicycles to district stations. The district stations are responsible for the transportation of the bicycles from Property Control.

560.90 FIREARMS (WILEAG 11.1.2, 11.2.1)

A. FIREARMS INVENTORY

1. The Firearm serial number shall be entered on the *Property Inventory Report* in the serial number section. If a serial number cannot be read, indicate that detail on the *Property Inventory Report*. The inventorying member shall list 'obliterated' or

'partially obliterated' on the *Property Inventory Report* if the serial number has been filed off or is partially illegible.

- a. Firearms manufactured prior to the Gun Control Act of 1968 (generally .22 caliber rifles and shotguns) may not have a serial number assigned. They are legal to possess and should not be confused with firearms described in "b".
 - b. Firearms with altered or obliterated serial numbers in any way are illegal to possess (Federal Firearms Statute 18 USC 922k). These are to be inventoried as evidence or contraband.
2. All firearms shall be unloaded prior to being placed on inventory. If a firearm cannot be unloaded, this information shall be conveyed to the member's shift commander and documented on the original property inventory. (WILEAG11.2.1.5)
 3. Affix the permanently locking metal wire MPD seal and a paper tag through the trigger guard of the weapon and lock into place. In the event of a missing or broken trigger guard, loosen the handgrips or stock and affix the MPD seal and paper tag through the frame. Record the MPD seal number in the inventory description.

Do not inscribe any firearm with any identifying marks, dates, initials or use any kind of tape on a firearm.
 4. Accessories are to be listed as a separate item number and on a separate line on the *Property Inventory Report*. It is not necessary to disassemble the accessories from the weapon. Examples of accessories include, but are not limited to, holsters, gun cases, boxes, extra magazines, bags, slings, removable scopes and/or sights. A magazine inserted in a firearm is not to be listed as a separate item.
 5. Firearms should remain in the box/case in which they were recovered. This box/case shall not be sealed. Firearms submitted under SOP 560.45 for forensic examination are exempt from this provision.
 - a. Firearms shall not remain in holsters.
(WILEAG 11.2.1.5)
 6. The *Firearm's Report* (form PF-11) shall be included with the firearm and *Property Inventory Report* in the disbursement to Property Control. Property Control shall forward the *Firearm's Report* to the Intelligence Fusion Center's (IFC) Firearm Desk.
 7. Firearm serial numbers shall be checked through the NCIC computer system for stolen status by the respective work location. The computer printout shall then be attached to the original *Property Inventory Report*.

Note: (For this section only) Toy guns, replicas, air guns, and starter pistols are not to be considered firearms.

560.95 HAZARDOUS MATERIALS (WILEAG 11.1.2, 11.2.1)**A. FIREWORKS**

1. Fireworks shall be packaged separately from all other items.
2. Fireworks of size designation "M-80" (cylindrical, with a dimension of 5/8 inch by 1/2 inch) and above are considered hazardous devices, and as such, shall not be transported to, or stored in any department facility, including Property Control. The Hazardous Devices Unit shall be contacted to respond to the scene to take custody of such items and shall be responsible for inventorying and storing such items.

B. HAZARDOUS MATERIALS

Any substances or combination of substances including any waste of a solid, semi-solid, liquid, or gaseous form which may cause to an increase in mortality; an increase in serious irreversible or incapacitating reversible illness; or which may pose a substantial present or potential hazard to human health or the environment because of quantity, concentration, or physical, chemical, or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers, or explosive as determined by the DNR.

(WILEAG 11.2.1.5)

Note: Members encountering any hazardous substances are reminded to follow the procedures indicated in the department's Emergency Response Manual - Annex R.

Contact your shift commander before seizing any potentially hazardous material.

C. TRANSPORTATION

Only licensed contractors may legally transport or store hazardous substances [Wis. Stat. § 291.23 and 291.97(2)]. Therefore, hazardous substances shall not be transported to or stored in any department facility, including Property Control. Nonetheless, the Hazardous Devices Unit may transport hazardous devices in accordance with standard procedures.

D. CONTROLLED SUBSTANCE RELATED

In those cases where the substances present hazards in handling and/or storage, but appear to be components for the manufacture of controlled substances (e.g., acid and either for methamphetamines), those substances shall not be disturbed or removed from the scene until the member in charge at the scene contacts a HIDTA supervisor for guidance.

(WILEAG 11.2.1.5)

560.100 MONEY (WILEAG 11.2.1)**A. U.S. CURRENCY**

1. Currency shall be packaged in an appropriately sized container, a clear plastic envelope if possible. It shall not be placed in the container in a rolled up or folded condition.
2. Only U.S. currency and coin is considered money and shall be inventoried separately from any other property, including property that is related.
(WILEAG 11.2.1.5)
 - a. Each denomination shall be listed on a separate line of the *Property Inventory Report*.
3. List U.S. currency serial numbers only when they are material to the case, e.g., drug “buy money” or plant money. If serial numbers are listed, they must be placed on separate lines of the *Property Inventory Report*.
 - a. “Buy money” shall be placed on a separate inventory from all other monies, clearly indicating it is “buy money” in the circumstances and listing.
 - b. The MPD shall be listed as the owner/claimant.
4. Inventoried monies shall be stored in the work locations secure storage safe within the shift commander’s office.
(WILEAG 11.2.1.5)

B. RARE MONEY

1. Special U.S. bills, rare U.S. coins, and U.S. coins containing gold or silver shall be placed on a separate *Property Inventory Report* and described appropriately.
2. Only the face value of the money shall be entered in the \$\$\$ section and “Total Money Received” section on the *Property Inventory Report*.

C. FOREIGN MONIES

Foreign monies shall be inventoried and processed in the same manner as all other property. No value shall be assigned to such monies.

D. COUNTERFEIT / ALTERED U.S. MONIES

1. Counterfeit/altered U.S. monies shall be placed on inventory. No value shall be assigned to such monies, which shall be considered contraband unless documented as evidence in a criminal case.
2. All counterfeit/altered U.S. monies shall be placed in a plastic envelope to preserve future value as evidence. The department member shall submit a *Department*

Memorandum detailing the circumstances of the seizure and the business or person(s) involved.

3. The member shall notify his/her shift commander and attempt to determine the origin of the counterfeit money. Any leads shall be forwarded to the Secret Service. An arrest can be made for state Theft by Fraud when counterfeit money is actually used in a transaction.
4. Under no circumstances shall counterfeit money be returned to either the merchant or the suspect. Counterfeit money is illegal to possess.
5. The U.S. Secret Service advises that they are available 24 hours at 297-3587 to assist in determining if money is counterfeit or genuine.

E. TREASURY BONDS / GOVERNMENT SECURITIES / TREASURY CHECKS

Treasury bonds/government securities shall be placed on inventory. No value shall be assigned. The department member receiving the property shall submit a *Department Memorandum* detailing the circumstances of the recovery.

F. FRAUDULENT CHECKS AND FINANCIAL TRANSACTION CARDS

Fraudulent checks and financial transaction cards shall be placed on inventory in a plastic envelope and are to be handled as little as possible (See SOP 410 Issue of Worthless Check).
(WILEAG 11.2.1.5)

560.105 PERISHABLE PROPERTY (WILEAG 11.1.3)

Perishable property coming into the possession of members of the department shall be inventoried and stored at the respective work location, however, photographing the item should be considered before seizing. If the district station does not have adequate facilities for storage, and the item(s) are needed as evidence, Property Control shall immediately be notified as to the best method of storing the property.

560.110 SAFES

A. Members of the department shall immediately notify their shift commander upon locating an abandoned safe. The shift commander will notify the respective Geographic Investigations Division supervisor who shall determine if a detective will assist in the investigation. The primary investigating member shall process the safe in the following manner:

1. The safe shall be checked for fingerprints, a determination made as to whether or not a crime has been committed. Every effort shall be made to identify the owner.
2. Photographs shall be taken of the safe.
3. Any articles found inside the safe shall be placed on inventory.

- B. If the owner of the safe can be readily identified, he/she shall be called to the scene for positive identification. If the safe is not required as evidence, the owner, upon initial contact shall be instructed to make arrangements for its immediate removal. The investigating member assigned to the investigation shall have the owner sign a *Property Receipt* (Form PP-33).
- C. When ownership of a safe cannot be established, a teletype message describing the safe shall be sent to the Time System Control Center (TSCC).
- D. After the safe has been processed for evidentiary value, the investigating member shall convey the safe to Property Control and place it on inventory.
1. If the safe is excessively large and cannot be conveyed by the investigating member, the member shall REDACTED
 2. A copy of the inventory shall be left with the safe.
- E. The investigating member shall consult with their shift commander if the safe is locked to determine if an authorized locksmith shall be contacted to have the safe opened.
1. Any contents discovered inside the safe shall be photographed and placed on inventory.
- F. The investigating member shall submit a *Department Memorandum* titled "Abandoned Safe" detailing the results of the investigation.
- G. The labeling of safes shall be performed in the following manner:
1. "Inspected by (member's initials)/ Agency- M.P.D."
 2. The date inspected.
 3. Inventory number.

560.115 VEHICLE REGISTRATION PLATES

Only registration plates required as evidence for a felony case shall be inventoried. All other registration plates that come into the possession of a department member shall be delivered to Property Control for disposal.

560.120 DEPARTMENT EQUIPMENT

No department equipment shall be placed on a *Property Inventory Report* without the express permission of the Chief of Police.

A. PROPERTY FOR DEPARTMENT USE

1. All members requesting disposable property for department use shall complete a *Department Memorandum* addressed to their commanding officer. Once approved by their commanding officer, the memorandum shall be forwarded to Property Control. Arrangements will be made to disburse the property when the property becomes available for disbursement.
2. If the property is no longer needed or becomes unusable, the property shall be turned over to either Property Control or the Facilities Services Division for disposal.

A handwritten signature in black ink, reading "Edward A. Flynn". The signature is fluid and cursive, with a long horizontal stroke at the end.

EDWARD A. FLYNN
CHIEF OF POLICE

EAF:dom